

presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,

Austin, Texas, January 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 3, and find the same correctly enrolled and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,

Austin, Texas, January 16, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Concurrent Resolution No. 5, and find the same correctly enrolled and have this day at 3 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, January 23, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dis-

nensed with on motion of Senator Watts.

See Appendix for Committee Reports and Petitions.

S. B. No. 174 Withdrawn.

Senator Rogers, by unanimous consent withdrew S. B. No. 174 from further consideration of the Senate.

Bills Re-referred.

Senate Bills Nos. 161 and 162, heretofore referred to the Committee on Civil Jurisprudence, were re-referred to that Committee on motion of Senator Burkett.

Bills and Resolutions.

By Senator Davis:

S. B. No. 175, A bill to be entitled "An Act, repealing that part of Section 2 of the Act contained in Chapter 99, of the legally published General Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature, relating to exceptions to and exemptions from the Anti-pass Law, which is in the language, 'provided, that if any such railroad or transportation company shall grant to any sheriff a free pass over its lines of railroads, then it shall issue like free transportation to each and every sheriff in this State who may make to it written application therefor,' and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 176, A bill to be entitled "An Act changing the name of the State Normal Colleges of this State; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Doyle:

S. B. No. 177, A bill to be entitled "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas; and creating a commission for that purpose, and providing for their report of such revision to the Governor, and for their compensation."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 178, A bill to be entitled "An Act to amend Article 1536, Revised Civil Statutes, 1911, relating to the appointment of deputy clerks in the Supreme Court, substituting three thousand and fifteen hundred dollars, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Darwin:

S. B. No. 179, A bill to be entitled "An Act to amend Article 2771 R. S. 1911 as amended by the Thirty-fifth Legislature, Chapter 160, reducing the amount of bond required of depositories of independent districts."

Read first time and referred to Committee on Educational Affairs.

By Senator Darwin:

S. B. No. 180, A bill to be entitled "An Act to amend Article 2895, R. S. 1911, fixing the time and limiting the term of employment of superintendent, principal and teachers in Independent School Districts, and creating an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator McMillin:

S. B. No. 181, A bill to be entitled "An Act to amend Article 3362 of the Revised Civil Statutes of the State of Texas, relating to independent executors, their powers, and so forth."

Read the first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 182, A bill to be entitled "An Act authorizing any private corporation for profit, hereafter or heretofore organized under the laws of this State, other than corporations authorized to conduct a banking or insurance business, to issue shares of its stock without nominal or par value, in such classes, with such preferences and for such consideration as may be prescribed and specifying the form of certificate for such stock; and providing for filing with Secretary of State statement showing total shares of all stock to be issued, classes thereof and actual consideration received by the corporation for shares issued without nominal or par value; and providing for the payment to the State of filing fees and franchise tax on stock without nominal or par value and deter-

mining the basis for computing such fees and tax; and providing for constituting outstanding shares of stock with nominal or par value into shares without nominal or par value and regulating and prescribing the method thereof; and providing the privileges and powers of this Act of part of this Act shall not affect or shall be in addition to and not in restriction or limitation of those now conferred by law, and that invalidity impair other provisions, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Darwin:

S. B. No. 183, A bill to be entitled "An Act creating and establishing a common school district, to be known as Common County Line School District No. 49, composed of parts of Fanin and Hunt Counties; and validating and authorizing and directing the Attorney General to approve the bonds heretofore issued by said district in the sum of two thousand five hundred dollars, but not approved by the Attorney General, and declaring an emergency."

Read the first time and referred to Committee on Education.

By Senator Ridgeway:

S. B. No. 184, A bill to be entitled "An Act to amend Article 904 of Chapter 5 of the Revised Statutes of Texas by prescribing and defining the jurisdiction of corporation courts in cities, towns and villages having a population of less than one hundred and fifty thousand inhabitants, and by adding Article 904a, prescribing and defining the jurisdiction of corporation courts in cities having populations of one hundred and fifty thousand inhabitants or more, and by amending Article 921 prescribing and defining the rights and manner of appealing from judgments or convictions entered in corporation courts in cities, towns and villages having populations of less than one hundred and fifty thousand inhabitants, and by adding Article 921a, providing for appeals to the Court of Criminal Appeals of this State from judgments of conviction entered in such courts, and providing that there shall be no appeals from such courts when the punishment assessed is by fine of twenty-five dollars or less, and conforming all laws to the provisions of this Act; and providing for an emergency."

Read first time and referred to Committee on Towns and City Corporations.

Senate Concurrent Resolution No. 13.

By Senator Wood:

Senate Concurrent Resolution No. 13.

Whereas, the Amateur Choral Club of Austin is composed of seventy-five trained ladies' voices and is capable of rendering an entertaining and delightful program; and,

Whereas, the Amateur Choral Club is willing and will be pleased to entertain the members of the House of Representatives and members of the Senate, and their friends, in the House of Representatives, with a concert at 8 p. m. Monday night, February 19, 1923. Now, Therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Amateur Choral Club of Austin is hereby invited to render a program in the House of Representatives on February 19, 8 p. m.

The resolution was read and adopted.

S. B. No. 72 on Third Reading.

The Chair laid before the Senate as regular order, on third reading,

S. B. No. 72, A bill to be entitled "An Act to amend Chapter 5, Title 8, of the Code of Criminal Procedure of the State of Texas of 1911, so as to prevent the reversal of criminal cases by the Court of Criminal Appeals upon technicalities and irregularities; and declaring an emergency."

The bill was read third time and on motion of Senator Witt, was laid on the table subject to call.

S. B. No. 99 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading,

S. B. No. 99, A bill to be entitled "An Act to validate, ratify and confirm unto Michael B. Menard, his heirs and assigns the title to the Michael B. Menard one league survey of land located in San Jacinto County, Texas, as described in the field notes thereof made by Arthur Henrie, Surveyor, on the second day of June, 1835, and now on file in the General Land Office of the State of Texas, and as delineated on the official land map of the General Land Office of the State for lands lo-

cated in said San Jacinto County, and declaring an emergency."

The bill was read third time and passed.

S. B. No. 120 on Engrossment.

The Chair laid before the Senate as regular order, on its passage to engrossment, S. B. No. 120, relating to condemnation of property for water-works, by cities and towns, the bill having been read second time on January 22.

Senator Davis offered the following amendments to the bill:

Page 3, line 6, strike out letter "a" in word "accupying" and insert letter "o" so that the word will be "occupying." By striking out the words "Twenty-five" in line 23, page 1, and insert in lieu thereof the word "one."

The amendments were adopted.

Senator Davis offered the following amendments to the bill:

Page 1, line 7, by striking out words "twenty-five" and insert in lieu thereof the word "one."

Page 2, line 9, by changing word "device" to word "devise."

Line 9, Page 1, by changing word "device" to word "devise."

The amendments were adopted.

The bill was passed to engrossment.

S. B. No. 120 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 120 put on its third reading and final passage by the following vote:

Yeas—27.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

The Chair then laid S. B. No. 120 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—23.

Baugh.	Parr.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	

Nays— 2.

Burkett.	Woods.
	Absent.
Lewis.	Pollard.
	Absent—Excused.
Bailey.	Murphy.
Dudley.	Wirtz.

S. B. No. 92 on Second Reading.

The Chair laid before the Senate on second reading,

S. B. No. 92, A bill to be entitled "An Act to prescribe the time and fix the terms of holding the district courts in the counties comprising the Seventy-ninth Judicial District of Texas; and to conform all writs and process from such courts to such changes and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of courts in such districts as herein fixed and to validate the summoning of grand and petit jurors therein; to repeal Section 2 of Chapter 8 of the Laws of the Thirty-fourth Legislature, passed and approved March 12, 1915, relating to the time of holding district courts in said district, and repealing Chapter 8 of the Laws of the Thirty-seventh Legislature, passed and approved Feb. 2, 1921, relating to the time of holding courts in said district, and repealing Chapter 5 of the General Laws passed by the First Called Session of the Thirty-seventh Legislature, approved August 14, 1921,

and repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 92 on Third Reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 92 put on its third reading and final passage by the following vote:

Yeas—25.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

The Chair then laid S. B. No. 92 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Baugh.	McMillin.
Bledsoe.	Parr.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Stuart.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Lewis.	

Absent.

Pollard.	Rice.
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Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

S. B. No. 93 on Engrossment.

Senator Parr called up S. B. No. 93, relating to District Court of Seventy-ninth Judicial District, which was read second time on January 22, and laid on the table subject to call.

The Chair laid the bill before the Senate, and it was passed to engrossment.

S. B. No. 93 on Third Reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 93 put on its third reading and final passage by the following vote:

Yeas—26.

Baugh.	McMillin.
Bledsoe.	Parr.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Pollard.

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

The Chair then laid S. B. No. 93 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—26.

Baugh.	McMillin.
Bledsoe.	Parr.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Pollard.

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

S. B. No. 84 on Engrossment.

The Chair laid before the Senate as regular order, on its passage to engrossment, S. B. No. 84, relating to carrying concealed weapons, the bill having been read second time on January 22.

Senator Rogers offered the following amendment to the bill:

Amend Page 2, by adding after line 13, the following, "provided that none of the foregoing exceptions apply to persons participating in a masked parade."

Senator Baugh moved to table the amendment.

Yeas and Nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Baugh.	McMillin.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Cousins.	Stuart.
Davis.	Thomas.
Doyle.	Wood.
Lewis.	Woods.

Nays—11.

Burkett.	Parr.
Clark.	Rogers.
Darwin.	Strong.
Fairchild.	Turner.
Floyd.	Witt.
Holbrook.	

Absent.

Pollard.

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

Senator Fairchild moved to postpone further consideration of the bill until next Thursday at 11 o'clock a. m.

Senator Wood moved to postpone further consideration of the bill indefinitely.

Question first recurring on the motion to postpone indefinitely, the motion was lost by the following vote:

Yeas 11.

Bledsoe.	Parr.
Darwin.	Rice.
Fairchild.	Strong.
Floyd.	Thomas.
Holbrook.	Wood.
McMillin.	

Nays 14.

Baugh.	Lewis.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Stuart.
Cousins.	Turner.
Davis.	Witt.
Doyle.	Woods.

Absent.

Pollard.	Watts.
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Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

Question then recurred on the motion to postpone further consideration of the bill until next Thursday at 11 a. m. The motion prevailed.

S. B. No. 83 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

S. B. No. 83. A bill to be entitled "An Act to amend Chapter 1, Title 15, Revised Penal Code of the State of Texas, by adding thereto Article 101, defining the offense of Negligent Assault and Battery, fixing a penalty therefor and declaring an emergency."

The bill was read second time and on motion of Senator Woods, was laid on the table subject to call.

S. B. No. 81 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

S. B. No. 81. A bill to be entitled "An Act to amend Articles 656 and 657 of the Code of Criminal Procedure of the State of Texas, 1911, in regard to special venires in capital cases."

The bill was read second time and on motion of Senator Woods, was laid on the table subject to call.

S. B. No. 157 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 157. A bill to be entitled "An Act creating the Rankin Independent School District in Upton County, Texas, enlarging and defining its boundaries; including the present Rankin Independent School District,

providing for a board of trustees in said District, comprising upon said District and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts, and the board of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing for the validation of the maintenance tax and bonds heretofore voted in said District; providing that the outstanding bonded indebtedness of said District shall remain in full force, and declaring an emergency."

The bill was read second time.

On motion of Senator Burkett, the committee report that the bill be not printed was adopted.

The bill was passed to engrossment.

S. B. No. 157 on Third Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 157 put on its third reading and final passage by the following vote:

Yeas 26.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

The Chair then laid S. B. No. 157 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas 27.

Baugh.	Clark.
Bledsoe.	Cousins.
Bowers.	Darwin.
Burkett.	Davis.

Doyle.	Rogers.
Fairchild.	Stuart.
Floyd.	Strong.
Holbrook.	Thomas.
Lewis.	Turner.
McMillin.	Watts.
Parr.	Witt.
Pollard.	Wood.
Rice.	Woods.
Ridgeway.	

Absent—Excused.

Bailey.	Murphy.
Dudley.	Wirtz.

Message from the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented a message from the Governor.

Pending reading of the message, Senator Parr moved that reading of same be dispensed with, and that the message be printed in the Journal.

The motion was lost.

The message was then read as follows:

Governor's Office,
Austin, Texas, Jan. 23, 1923.
To the Members of the Thirty-eighth
Legislature:

Since the beginning of governments, it has been necessary to have prisons and penitentiaries. History, sacred and secular, tells of prison life. The most vexing and perplexing problem that Governors and Legislators have had to deal with in Texas for years, is our penitentiary system. It has many angles. The more you study it, the more difficult and intricate its solution seems to be. The strange thing is that there are so many people in the State who, though knowing nothing about the penitentiary, never even having spent as much as a week on a visit to it, can tell just exactly what ought to be done to make it a success from every standpoint. Many improvements have been made in our penitentiary life during the past two years. There are many more to be worked out. Those in authority are trying to solve them aright. We are trying to breathe into the entire penitentiary system the breath of humanity.

Physical Properties.

The Texas penitentiary owns 81,120 acres of land. It has forty-one thousand acres of this land in culti-

vation. The penitentiary lands are divided into twelve farms scattered from the banks of the Red River to the Gulf of Mexico. In going from the farm in South Texas to the farm in North Texas, you travel 400 miles. On these farms are twenty-two hundred head of work stock; twenty-seven hundred head of cattle; thirty-five hundred head of hogs; thirteen hundred head of sheep and goats, sufficient farm implements, and adequate residences and buildings to house those who work the farms. The prison walls and administration offices are erected on a 10-acre tract of land at Huntsville. The penitentiary farms, most of them over a hundred miles from Huntsville, are located in Bowie, Houston, Madison, Walker, Brazoria and Fort Bend Counties. Against these lands there is an indebtedness of long standing of almost a half million dollars, being a part of the original purchase price.

The Convicts.

There are approximately 3,700 convicts in the penitentiary. There are some 1,200 more in the penitentiary than at the beginning of the present administration. About half of those in the penitentiary at this time are white Americans, the other half Mexicans and negroes. Among the prisoners are fifty negro women and some dozen white women. There are about seven hundred white boys between the ages of eighteen and twenty-five. Approximately 90% of the convicts are illiterate, unskilled laborers. Many are mental and physical unfit. Most of them are unsuited for skilled mechanical employment. In the very nature of things, they must be used for ordinary manual labor.

What Work Do the Convicts Perform?

Our convicts are fed plenty of substantial food, have good, clean place to sleep, have libraries, religious gatherings, are well cared for, and are made to work. It is proper that they should work. The penitentiary should not be a loafing place. Work is absolutely essential for the physical, mental, and moral well being of those in, as well as those on the outside, the penitentiary. Some one hundred or more negro prisoners have consumption or are permanently crippled and therefore unable

to work. These are kept on a farm to themselves and are looked after as sick men. The women, most of them not capable of doing much work, are kept on a farm to themselves and sew for the penitentiary system. Generally speaking, there are from four to five hundred who, for various and good reasons, are kept on the inside the walls at Huntsville. These do but little work for the reason that the State has not provided any kind of inside work for them to do. The crippled, the permanently sick, the women and those kept in the walls, aggregating in all about seven hundred, are dead weights to the financial system of the penitentiary. They must be fed, clothed, have medical treatment and their general wants looked after. These in the aggregate produce but little. They are consumers. The remaining convicts, about three thousand in all, are worked on the farms. A large number of them, however, on account of age, previous indolent lives, drug addicts, and dissipated habits, make poor farm hands. Some rebel against any form of honest labor. The criminal courts of Texas do not produce high grade laborers.

The Penitentiary Wards Should Be Employed at Different Industries.

The convicts should be employed at different industries. All the penitentiary eggs should not be in one nest. All the prisoners who are able to work should be provided with profitable employment. A cotton factory, a tannery, a shoe factory, a wagon factory, a cabinet shop, that would work in all from five hundred to a thousand prisoners, should be established for the purpose of manufacturing cloth, shoes, vehicles, furniture and other fixtures to be placed, not on the open market, but used at the penitentiary and in all other State institutions. The Highway Department of the State, for illustration, is spending this year about \$67,000 for automobile number plates. These, and other similar things, many of them now used by the State, should be made in the penitentiary. A cannery should be established and potatoes, peas, beans, figs, and all kinds of farm and garden truck that grows so abundantly on these farms should be canned not only for the entire penitentiary system, but for use at other State institutions. The purpose of these in-

dustrial plants should be two-fold; first, to utilize the labor of the penitentiary in turning the State's raw material into goods to be used by State institutions; second, to train the convicts in a productive trade. I would take about 250 selected convicts and make a gentleman's contract with them as to commutation of their time, and work them without guards on the public roads of Texas. The State owns on the coast country abundant cement material. I would work about 50 men making cement and other material for road building, to be furnished at cost for public highway building. I would designate one of the farms as "Honor Farm" and place prisoners on that farm on their honor to work under the direction of a superintendent but without guards.

Removal of Penitentiary.

Some thought has been given and some discussion had by the people generally as to the wisdom of selling the present penitentiary farms and moving the entire system to some other place. Having given conservative study to this question for two years, I find myself unable to agree with the proponents of this proposition. I am for the concentration and readjustment of our penitentiary system. I would sell the Shaw Farm in Bowie County, consisting of 4,688 acres, against which there is a debt of fifty thousand dollars. I would sell the Ferguson Farm in Madison County, consisting of 4,320 acres against which there is also a debt of fifty thousand dollars. I would sell the Wynne Farm in Walker County, consisting of 1,976 acres. I would sell the Goree Farm, of but little value, in Walker County, consisting of 1,000 acres. The Eastham Farm in Houston County, consisting of 13,000 acres, 6,000 acres being in cultivation, on which extensive improvements have been made, costing without counting labor, \$136,000, and having on it a fine artesian well of hot water, which is piped through the buildings, I would convert into a home for some seven hundred negro boys now in the Reformatory at Gatesville, leaving the Gatesville plant for the white boys, now mixed there with the negroes. I would convert the old penitentiary plant at Huntsville into an asylum for the insane. This would take the insane out of the jails of Texas. I would

keep the seven penitentiary farms, all being within a radius of fifty miles and easily accessible to each other, in Brazoria and Fort Bend Counties, aggregating 53,853 acres, and build a new penitentiary plant on one of these centrally located farms.

Present Location Inaccessible and Expensive.

Huntsville, the headquarters of the prison system, is especially inaccessible. Prison quarters, prison industries and prison farms, should be concentrated at some point more accessible and more convenient for the economic handling of penitentiary prisoners, penitentiary supplies and penitentiary productions. It costs the penitentiary over a hundred thousand dollars each year to pay transportation charges on supplies sent to and from Huntsville to the distant and widely scattered farms, which charges would be eliminated by moving the headquarters, and concentrating all the penitentiary industries on the Brazoria and Fort Bend County farms.

One Central Distributing Point.

I would build the penitentiary walls, administrative offices, shops and factories on the railroad and near the center of the fifty-three thousand acre farms. This central plant would be the one big distributing point, the farms all being connected with improved highways.

Mistakes of the Past.

The mistakes of the past are of no service except to guide our feet for the future. As an original proposition I would not have purchased these lands in Brazoria and Fort Bend Counties for penitentiary farms. They have on them entirely too much overflow land. They have too much low, wet land. Why they were bought in the beginning, I do not know. The fact remains, however, that they are now the penitentiary farms. Not counting the free labor used the State has heretofore spent more than a million dollars in improvements. Large sections of the land have been cleared and are in a good state of cultivation. There are no richer lands in all Texas. We should make the best of a bad trade. The land should be ditched; levees should be built. Engineers have

surveyed the farms and say that most of the land in this way may be made reasonably safe from excessive rainfall and river flood waters.

The Brazoria and Fort Bend County Farms.

The fifty-three thousand acre farms in Brazoria and Fort Bend Counties have just about sufficient land for the penitentiary system. These farms are all in the same general neighborhood. Oyster Creek, providing at all times running water, though it does not overflow, runs through all these farms except two. This is indeed a valuable consideration.

Brazoria and Fort Bend County Farms Have Railroad Connections and Facilities.

All these farms have railroad connections and facilities. On the Clemens Farm, in Brazoria County, the State owns 13 miles of railroad running from Brazoria to the sugar mill—about six and one-half miles, and then two branches extending from the sugar mill out through the plantation used for hauling cane to the mill. This road, which connects with a main trunk line railroad, is valued at \$139,000. The Retrieve Farm, also in Brazoria County, has three and one-half miles of railroad belonging to the State that connects with a main line railroad at Edmunds. This road runs through the plantation and is used for hauling wood, cane, cotton, etc., and is valued at \$30,000. The Ramsey, Darrington, Imperial and Harlem Farms are all on the Sugarland Railroad, which passes through each of the farms, with terminus at Harlem. The Southern Pacific Railroad also passes through the Imperial Farm and runs on the south line of the Harlem Farm, with station on said farm. The I. & G. N. Railroad branch runs through the Darrington Farm, with a station at the edge of the State land known as Sandy Point. All the seven State farms in Fort Bend and Brazoria Counties, therefore, have railway facilities, except Blue Ridge Farm, which is situated about centrally between the Southern Pacific and the I. & G. N. Railroad, each about 3 and one-half miles from headquarters, and the Sugarland Railroad running on the west about the same distance, making this farm easily accessible to shipping points.

Valuable Improvements Should Not Be Junked.

The valuable improvements on these penitentiary farms could not be used if sold to individuals to be worked by free labor and therefore would be practically a total loss to the State if the penitentiary should be moved.

The Blue Ridge Farm has buildings and other improvements on it worth \$19,000.00, including a gin worth \$6,000.00. The Clemens Farm, in Brazoria County, has buildings and improvements worth \$184,000.00, and a sugar mill worth \$245,000.00. The Darrington Farm, in Brazoria County, has buildings and improvements worth \$35,000.00. The improvements on the Ramsey and Retrieve Farms are worth \$162,000.00, while the cost of the buildings on the Harlem farm amounts to \$133,000.00. The railroads, gins, mills, houses, barns, and general improvements on these seven farms are easily worth more than a million dollars. To sell these farms would mean almost a total loss of these improvements. In addition to this these large farms would necessarily have to be sold at a great financial sacrifice. In fact, it seems the State is always the loser when it either buys or sells. We had better hold to what we have.

Non-producers.

In considering the financial side of the penitentiary system, it is well to keep in mind the non-producers of that institution. The same five hundred prisoners, made up of the long-termers, desperate characters, old men, and those who for other good reasons ought not to be sent to the farms and are therefore kept within the walls, are almost wholly, at this time, consumers and not producers. The maintenance of this part of the penitentiary system will cost this year about \$150,000. The farm where the consumptives are kept, raises nothing for the market. The upkeep of that farm will cost this year \$30,000. The farm where the women stay brings in no revenue. They do but little work. Counting all cost this year connected with the handling and support of the women convicts, will aggregate \$60,000. These three departments of the penitentiary are a constant and direct drain on the financial system of the institution.

Two Years With the Penitentiary.

Two years ago, when I became Governor, there was no money in the

penitentiary purse. The year preceding was behind one million dollars on running expenses. It took \$80,000 a month to feed, clothe, guard and care for the prisoners. We had no money. The Legislature declined to make an appropriation for the care of the convicts. We could not let them starve or turn them out. We, therefore, when we could not run on credit any longer, went into the open market and borrowed sufficient funds to pay back debts and meet operating expenses. That money was used as economically as possible. The prison system for the past two years has been operated at a cost of \$260,000 a year cheaper than the average of the four preceding years. This saving of over a half million dollars, was made, notwithstanding the prison population increased in those two years from 2,400 to nearly 3,700.

Many valuable improvements have been made in the prison system in the past two years. More than 1700 acres of land has been cleared and will be put in cultivation in 1923. Many miles of new fences have been built, new ditches have been made on the various farms. New prison buildings have been erected, repaired, or made over. Twenty-five hundred new spring beds have been installed in the prison buildings, and it may be safely said today that the convicts are better fed, better clothed, and better housed than ever in the history of the prison system of Texas.

Entertainment.

None of the amusement and recreation of the convicts costs the State a cent. Musical instruments, libraries, magazines, etc., are being furnished by different church and civic organizations throughout Texas.

Libraries.

In the Huntsville fire, 9657 volumes were destroyed. At the present time, more than this number has been received from the different organizations over the state, besides over 10,000 magazines. The club women, under the direction of the Texas Federation of Women's Clubs, took the lead in this work. At the main penitentiary at Huntsville, about fifty newspapers are distributed to the cells. Every cell has a Bible.

At the Woman's Farm, there are

330 volumes and 10 daily papers. Eighty per cent of the women read these.

Education.

In the past twelve months, the school work, that had been temporarily suspended, has been resumed. The classes range from the beginners up to the seventh grade, with special classes in Algebra, Plain Geometry, Shorthand, and Music. The time the men spend in school is credited to them as over-time just as if they were working. All teachers are convicts, under the supervision of the Chaplain.

Religious Instruction.

Every prison is provided with a chaplain. It is arranged so that, as far as possible, every denomination is represented. At the Mexican farm, the men have built an altar, and a priest holds services. At the main penitentiary at Huntsville, where the chaplain is a protestant, a Catholic priest holds services once a month.

Morale.

The moral standard of the men, according to recent reports of the chaplains, is one hundred per cent better than it was one year ago. They are unanimous in claiming that this is due to the co-operation between officials and inmates.

Truck Farms and Gardens.

The truck farms have increased one hundred per cent. All the farms have winter gardens, thus furnishing the men with green vegetables all through the winter months. The largest acreage is in cabbage and Irish potatoes and sweet potatoes. Imperial Farm had thirty acres in

Irish potatoes, and Harlem had over two thousand bushels of sweet potatoes bedded down. The farms have from four to eight acres in cabbage, and what part is not eaten fresh is made into sauer kraut. Other vegetables are raised in smaller quantities: turnips, mustard, onions, spinach, beets, collards, rape, tomatoes, carrots, English peas, garlic, radishes, and lettuce.

Meat.

During the winter months the farms raise a great part of their meat. This winter Wynne Farm raised all its own meat. Fresh meat is given to the men from one to three times a week. Any surplus is sold.

Dairy Herds.

The dairy herds at the farms have been increased about fifty per cent during the last year. This increase will be continued, we hope, until all the inmates can have sufficient milk and butter fat.

Sanitation.

Every possible effort is being made to improve the sanitary conditions of the prison. At Wynne Farm, which is the tubercular farm, the beds are sunned and the floors and windows scrubbed every day. The sleeping departments and eating places on almost all the farms and prison camps have been screened. It has been the policy of this administration to improve the general sanitary conditions around the prison farms. Cleanliness and order can be seen in and around the prison camps, good hospitals are maintained, and efficient educational opportunities afforded to all the young white boys who desire to study.

STATEMENT OF COTTON RAISED BY THE DIFFERENT FARMS DURING THE YEAR OF 1922, AND THE AMOUNT RECEIVED FOR SAME.

Cotton Sold From	Bales	Lbs. Lint	Price
Basset Blakeley Leased Farm.....	171	88,686	\$20,467.19
Blue Ridge State Farm	422	220,743	47,513.80
Clemens State Farm	537	275,775	56,281.42
Darrington State Farm	287	136,372	29,592.18
Eastham State Farm	511	261,851	59,400.72
Ferguson State Farm	375	194,717	40,673.80
Harlem State Farm	518	254,913	55,963.34
Imperial State Farm	441	212,437	50,386.24
Ramsey State Farm	187	91,329	21,818.34
Retrieve State Farm	12	5,865	1,381.96

Cotton sold From	Bales	Lbs. Lint	Price
Senior Leased Farm	122	62,517	\$14,127.56
Shaw State Farm	200	101,222	23,734.62

Total sold.....3,783 1,906,427 \$421,340.45
Average price received for cotton sold, 22.10 net.

Cotton on hand unsold:	Bales.
Blakeley Leased Farm	19
Imperial State Farm	101
Senior Leased Farm	3
Darrington State Farm	29
Ramsey State Farm	62
Blue Ridge State Farm	9
Shaw State Farm	5

Total on hand 228

Rent cotton delivered to lessor:	Bales
Bassett Blakeley Farm, B. B.	63
Harlem State Farm, R.	25
Harlem State Farm, B.	7
Imperial State Farm, B.	8
Senior Leased Farm, S.	82

Total rent185

Total number bales cotton raised in 1922 as follows (4,196 bales):

	Bales
Bassett Blakeley Farm	253
Blue Ridge Farm	431
Clemens Farm	537
Darrington Farm	316
Eastham Farm	511
Ferguson Farm	375
Harlem Farm	550 ½
Imperial Farm	549 ½
Ramsey Farm	249
Retrieve Farm	12
Senior Farm	207
Shaw Farm	205

Total number bales4196

STATEMENT OF COTTON SEED SOLD DURING THE YEAR 1922.

Clemens State Farm, 4 cars, 334,700 lbs., 166.35 tons.....	\$ 5,324.30
Imperial State Farm, 7 cars, 316,535 lbs., 158.26 tons.....	6,354.55
Darrington State Farm, 2 cars, 119,020 lbs., 59.51 tons.....	1,775.84
Blue Ridge Farm, 3 cars, 189,260 lbs., 94.63 tons.....	3,264.39
Harlem State Farm, 5 cars, 302,840 lbs., 151.42 tons.....	4,776.49
Senior Leased Farm, 1 car, 37,000 lbs., 18.50 tons.....	518.00
Eastham State Farm, 6 cars, 251,820 lbs., 125.91 tons.....	3,922.73
Ferguson State Farm, 2 cars, 117,860 lbs., 58.93 tons.....	1,430.55
Bassett Blakeley Farm, 3 cars, 149,260 lbs., 74.63 tons....	3,047.06
Ramsey State Farm, 1 car, 46,500 lbs., 23.25 tons.....	918.38
Shaw State Farm, 3 cars, 167,700 lbs., 83.85 tons.....	3,064.15

Total, 37 cars, 2,030,495 lbs., 1,015.24 tons\$34,596.44
Average price, \$34.07 per ton.

STATEMENT OF CANE RAISED BY DIFFERENT FARMS IN 1922.

	Tons	Dollars
Imperial State Farm	1,400.58	\$ 6,477.19
Harlem State Farm	1,027.74	4,206.76
Darrington State Farm	359.85	1,480.57
Ramsey State Farm	7,783.62	33,009.36

	Tons	Dollars
Retrieve State Farm	7,743.96	\$33,049.55
Clemens State Farm	6,007.41	30,037.05
Total	24,323.11	\$108,260.48
General avergae price, \$4.45 net.		

STATEMENT OF CANE FURNISHED THE CLEMENS MILL.

	Tons		
Retrieve State Farm.....	7,743.96	\$38,719.80	
Less freight, etc		5,670.25	
			\$ 33,049.55
Clemens State Farm	6,007.41	30,037.05	
			30,037.05
Total	13,751.37		\$ 63,086.60

STATEMENT OF CANE SOLD TO IMPERIAL SUGAR COMPANY IN 1922.

	Tons		
Imperial State Farm	1,400.53	\$ 7,037.39	
Less freight		560.20	
			\$ 6,477.19
Harlem State Farm	1,027.74	6,617.86	
Less freight		411.10	4,206.76
Darrington State Farm	359.85	1,661.50	
Less freight		180.93	1,480.57
Ramsey State Farm	7,783.62	36,910.19	
Less freight		3,900.83	3,309.36
Total	10,571.74		\$ 45,173.88
General average price per ton, \$4.27 net.			

RECAPITULATION OF PRODUCTS SOLD 1922.

Cotton, 3,783 bales, 1,906,427 lbs.	\$421,340.45
Cane, 24,323.11 tons	108,260.48
Cotton seed, 1,015.24 tons, 2,030,495 lbs.	34,596.44
Total	\$564,207.37

STATEMENT OF GOODS SHIPPED AND RECEIVED DURING 1922.

Outgoing shipments, 501,313 lbs.	\$2,919.97
Incoming shipments, 26,690,369 lbs.	6,703.12
Incoming shipments paid, 904,173 lbs., prepaid.....	

Total, 28,095,855 lbs.\$9,623.09

STATEMENT OF RECEIPTS AND DISBURSEMENTS AS REFLECTED BY CASH BOOK, DURING THE YEAR 1922.

Cash on hand January 1, 1922	\$ 93,493.28
Cash received in January, 1922.....	28,896.60
Cash received in February, 1922.....	33,317.40
Cash received in March, 1922.....	409,596.09
Cash received in April, 1922.....	102,538.70
Cash received in May, 1922.....	78,054.68
Cash received in June, 1922.....	96,367.67
Cash received in July, 1922.....	17,329.51
Cash received in August, 1922.....	40,150.68
Cash received in September, 1922.....	223,730.31
Cash received in October, 1922.....	128,226.54
Cash received in November, 1922.....	93,326.16
Cash received in December, 1922.....	76,350.47
Total received from all sources.....	1,327,884.81
	\$1,421,378.09

Cash paid out in January, 1922.....	\$113,855.49	
Cash paid out in February, 1922.....	25,062.65	
Cash paid out in March, 1922.....	398,750.10	
Cash paid out in April, 1922.....	108,110.92	
Cash paid out in May, 1922.....	79,532.99	
Cash paid out in June, 1922.....	23,667.28	
Cash paid out in July, 1922.....	87,887.47	
Cash paid out in August, 1922.....	29,883.55	
Cash paid out in September, 1922.....	159,816.39	
Cash paid out in October, 1922.....	126,388.28	
Cash paid out in November, 1922.....	113,307.22	
Cash paid out in December, 1922.....	61,575.41	
Total disbursed for all purposes.....		1,325,837.75
Cash on hand December 31, 1922.....	\$	95,540.34
		<u>\$1,421,378.09</u>

EXPLANATION OF RECEIPTS FOR THE YEAR OF 1922.

Total receipts from all sources.....	\$1,327,884.81
Received from 1921, Cotton.....	\$ 4,896.45
Warrants.....	1,938.75
Interest on note.....	3,375.00
Cane, sale, 1921.....	13,219.12
For money borrowed.....	38,000.00
The Brown-Cummer Co.....	702,850.00
Check, for Brown-Cummer Co.....	47,150.00
Cotton Seed, 1922.....	34,596.44
Cotton, 1922.....	421,340.45
Cane, 1922.....	20,000.00
Miscellaneous receipts.....	40,518.60
	<u>\$1,327,884.81</u>

BILLS PAYABLE AND OTHER INDEBTEDNESS OF THE TEXAS
STATE PRISON SYSTEM, DECEMBER 31, 1922.

Eastham Farm Notes:

35 Notes Jan. 1, 1916, due Jan. 1, 1923, at 6% .	\$ 35,000.00	
35 Notes Jan. 1, 1916, due Jan. 1, 1924, at 6% .	35,000.00	
35 Notes Jan. 1, 1916, due Jan. 1, 1925, at 6% .	35,000.00	
25 Notes Jan. 1, 1916, due Jan. 1, 1926, at 6% .	25,000.00	
35 Notes Jan. 1, 1916, due Jan. 1, 1927, at 6% .	35,000.00	
		\$ 165,000.00

Ferguson Farm Notes:

10 Notes Jan. 1, 1916, due Jan. 1, 1923, at 6% .	\$ 10,000.00	
10 Notes Jan. 1, 1916, due Jan. 1, 1924, at 6% .	10,000.00	
10 Notes Jan. 1, 1916, due Jan. 1, 1925, at 6% .	10,000.00	
10 Notes Jan. 1, 1916, due Jan. 1, 1926, at 6% .	10,000.00	
10 Notes Jan. 1, 1916, due Jan. 1, 1927, at 6% .	10,000.00	
		50,000.00

Shaw Farm Notes:

8 Notes July 1, 1916, due Jan. 1, 1923 at 6% .	\$ 8,000.00	
8 Notes July 1, 1916, due Jan. 1, 1924, at 6% .	8,000.00	
8 Notes July 1, 1916, due Jan. 1, 1925, at 6% .	8,000.00	
8 Notes July 1, 1916, due Jan. 1, 1926, at 6% .	8,000.00	
8 Notes July 1, 1916, due Jan. 1, 1927, at 6% .	8,000.00	
8 Notes July 1, 1916, due Jan. 1, 1928, at 6% .	8,600.00	
		48,600.00

Ramsey Farm Notes:

1 Note Dec. 31, 1917, due Dec. 31, 1922, at 6% .	\$ 8,650.00	
1 Note Dec. 31, 1917, due Dec. 31, 1923, at 6% .	8,650.00	
1 Note Dec. 31, 1917, due Dec. 31, 1924, at 6% .	8,650.00	

1 Note Dec. 31, 1917, due Dec. 31, 1925, at 6 %	\$8,650.00	
1 Note Dec. 31, 1917, due Dec. 31, 1926, at 6 %	8,650.00	
1 Note Dec. 31, 1917, due Dec. 31, 1927, at 6 %	8,650.00	
		\$ 51,900.00

Harlem Farm Notes:

1 Note Dec. 21, 1914, due Dec. 31, 1922, at 6 % . \$	5,070.54	
1 Note Dec. 21, 1914, due Dec. 31, 1923, at 6 %	5,070.54	
1 Note Dec. 21, 1914, due Dec. 31, 1924, at 6 %	5,070.54	
1 Note Dec. 21, 1914, due Dec. 31, 1925, at 6 %	5,070.54	
		20,282.16
		\$ 335,782.16

Sundry notes given for purchases made prior to January 1, 1915, to be settled through Comptroller's Office.....	\$ 7,921.81	
1 Note March 8, 1922, due Jan. 1, 1923 at 6 % to P. R. Austin.....	9,459.66	
1 Note May 24, 1922, due Nov. 1, 1922, at 6 % to G. A. Kelly Plow Co.....	470.00	
1 Note April 10, 1922, due Feb. 1, 1923, at 6 % to Barnhardt Bros. & Spindler.....	2,673.59	
180 Notes Feb. 15, 1922, due Feb. 1, 1923 to Brown-Crummer & Co.....	750,000.00	
		770,525.06

Total notes	\$1,106,307.22
Audited vouchers unpaid	\$168,362.56
Accounts payable.....	8,818.57
	177,181.13

Total\$1,283,488.35

Land notes that matured January 1, 1923:

Eastham Farm, 35 Notes at \$1,000.00.....	\$ 35,000.00
Ferguson Farm, 10 notes at \$1,000.00.....	10,000.00
Shaw Farm, 8 Notes at \$1,000.00.....	8,000.00
Ramsey Farm, 1 Note 12-31-22.....	8,650.00
Harlem Farm, 1 Note 12-31-22.....	5,070.54

\$ 66,720.54

Interest due on land notes.....	20,282.16	
		\$ 87,002.70

Notes given for purchases made prior to January 1, 1915.....	7,921.81	
Notes given for purchases in 1922 Barnhardt Bros. & Spindler Co.....	2,673.59	
Kelly Plow Co.....	470.00	
P. R. Austin.....	9,459.66	
Interest on the above.....	1,436.75	
		21,961.81

Total amount for notes and interest that matured January 1, 1923.....	\$ 108,964.51
Audited vouchers.....	168,362.56
Accounts payable.....	6,818.57

177,181.13

Bill payable to Brown-Crummer Co., due February 1, 1923.....	750,000.00
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\$1,283,488.35

The Prison Commission reports that the operating expenses of the penitentiary system for the year 1922, were \$1,076,317.99, which amount includes \$25,766.00 for poison and \$2,644.00 for 10 dusting machines utilized for the purpose of exterminating insects on the crops, as well as \$44,183.05 expended for the purchase of corn and feed stuff for work stock, which amount is the difference between

\$42,872.94 for 1921, and \$77,055.99 purchase for 1922. This purchase was necessitated owing to the damage of the short crops during the tropical storm of 1921.

In view of the fact that the aforementioned expenditures were extraordinary, I feel justified in calling your attention to same, thus bringing the actual operating expense down to \$1,003,724.94 in comparison with the expenditures for 1921.

Be it specially noted that during 1922 we had an increase of an average of 592 men over and above that of the previous year and the average cost of maintenance per man per month during 1922 is \$16.70 per month, which is considerably less than any period during the past three years, which were as follows:

Cost of maintenance per man per month 1922.....	\$16.70
Cost of maintenance per man per month 1921.....	19.43
Cost of maintenance per man per month 1920.....	23.54
Cost of maintenance per man per month 1919.....	21.06

The amount expended for maintenance for 1922 shows a reduction of \$115,446.24 per annum or \$2.73 less per month per man, on an average population of 3524 men in comparison with 1921 costs.

The above detailed report is submitted to you with the hope that your honorable body will help in every way possible in an effort to make the penitentiary a going, reformatory, worth while institution, worthy the great state it was instituted to serve. I would be pleased to have legislation in keeping with the recommendations herein made.

Respectfully submitted,

PAT M. NEFF, Governor.

Executive Session—Time Set.

Senator Clark moved that the Senate go into executive session on next Thursday, January 25, at 10:30 o'clock a. m., for the purpose of considering the recess appointments by the Governor.

The motion prevailed, and the time was accordingly set.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Jan. 23, 1923.

Hon. T. W. Davidson, President of the Senate:

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

S. B. No. 60, A bill to be entitled "An Act creating the Ninety-second Judicial District to be composed of the counties of Young, Archer and Clay and fixing the terms of said court; providing for the appointment of a District Judge; providing that the Thirtieth Judicial District now composed of the counties of Young, Archer and Clay and Wichita shall hereafter be composed of Wichita County alone and fixing the terms of the Thirtieth Judicial District; providing for officers of the court and preserving the status of cases and proceedings, and providing that the County Attorney of the respective counties within said Ninety-second District shall perform the duties of District Attorney in their counties as well as the duties now performed by them and providing fees of office, and declaring an emergency."

H. B. No. 102, A bill to be entitled "An Act to provide for revising, digesting, annotating and publishing the civil and criminal laws of the State of Texas, and to require the Commissioners appointed to revise the Statutes; to prepare two bills, one providing a civil and one a criminal code of practice in the courts of this State, and report the same to the Governor, who shall submit the same to the Legislature."

Respectfully submitted.

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair, Lieutenant Governor T. W. Davidson, had referred, after its caption had been read, the following House bill:

H. B. No. 102, To the Committee on Civil Jurisprudence.

Adjournment.

On motion of Senator Wood, the Senate at 12:10 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Petitions and Memorials.

Lieutenant Governor Davidson offered and had read a telegram from

State President Farm Labor Bureau, stating he represented one hundred thousand farmers, urging repeal of Open Port Law.

Also one from Beaumont citizens and Beaumont Chamber of Commerce, urging that Law be retained in its present status.

Senator Woods sent up, and had read, a telegram, numerous signed, from Kaufman citizens, urging support of S. B. No. 10, on the matter of giving checks where insufficient funds are available.

Also one signed by more than 30 Navarro County citizens, urging that Matagorda, Wharton and Brazoria Counties be exempted from certain proposed hunting legislation.

Senator Floyd sent up and had read a memorial from lawyers of Titus County bar urging defeat of Senate Bill that is seeking to change the place of holding sessions of the Court of Civil Appeals for the Sixth Supreme Judicial District from Texarkana to Tyler, and giving numerous reasons for such defeat.

Committee Reports.

Senate Chamber,

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 122 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, January 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 31 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 35, A bill to be entitled "An Act prescribing procedure in suits on promissory notes and other contracts involving liquidated demands and on sworn accounts."

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do not pass.

BURKETT, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 78, A bill to be entitled "An Act to amend Article 7121, Chapter 1, Title 123 of the Revised Statutes of Texas of 1911, so as to provide that every person elected to the office of sheriff shall give bond to be approved by the Commissioners' Court for such sum as may be directed by such court, not less than \$5,000.00 nor more than \$30,000.00, payable to the Governor and his successors in office, conditioned that he will account for and pay over to the persons authorized by law to receive the same, all fines, forfeitures and penalties that he may collect for the use of the State or any county, and that he will well and truly execute and make due return of all process and precepts to him lawfully directed, and pay over all sums of money collected by him by virtue of any such process or precepts, to the persons to whom the same are due, or their legal attorney, and that he will faithfully perform all duties as may be required of him by law, and conditioned that he will pay over to his county all moneys illegally paid to him out of county funds, as voluntary payments or otherwise and providing that said sheriff shall also take the oath of office prescribed by the Constitution, and providing what shall be done with said bond and providing that said bond shall not be void on first recovery, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BURKETT, Vice Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 79, A bill to be entitled "An Act to amend Article 1747, Chapter 2, Title 35 of the Revised Statutes

of Texas of 1911, so as to provide that the county clerk shall execute a bond in the sum to be fixed by the commissioners' court, not less than \$2,000.00 nor more than \$10,000.00, conditioned for the safekeeping of the records and the faithful discharge of the duties of his office and further conditioned that he will pay over to his county all moneys illegally paid to him out of the county funds as voluntary payments or otherwise, and providing that said clerk shall take and subscribe to the oath of office required by the Constitution, and that said bond and oath shall be recorded in the county clerk's office and deposited in the office of the district clerk, and providing that a certified copy of such bond may be put in suit in the name of the Governor, for the use of the party injured, and shall not become void on the recovery or part of the penalty thereof, but may be sued on from time to time by parties injured, until the whole amount of the penalty is recovered, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 89, A bill to be entitled "An Act providing for the return of pension warrants where the pensioner dies during the quarter for which the warrant was issued, the cancellation of the same, and the issuance of a mortuary warrant to pay the funeral expenses of the deceased pensioner, fixing the amount thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 115, A bill to be entitled

"An Act to amend Article 1591 of the 1911 Revised Civil Statutes of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 115, have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do not pass.

BOWERS.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 117, A bill to be entitled "An Act to amend Article 1623 of the Revised Civil Statutes of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 118, A bill to be entitled "An Act to amend Article 1620 of the Revised Civil Statutes of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 118, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

BOWERS,
WOODS.

(Majority Report.)

Committee Room,
Austin, Texas, January 22, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 119, A bill to be entitled "An Act to amend Article 1540 of the Revised Civil Statutes of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BURKETT, Vice Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 22, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 119, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

BOWERS,
WOODS.

Committee Room,
Austin, Texas, January 22, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 143, A bill to be entitled "An Act to amend Chapter 32 of the First Called Session of the Thirty-third Legislature of the State of Texas, entitled, 'An Act to regulate and supervise the sale and purchase in this State of stocks of private, foreign and domestic corporations being organized, and hereafter organized, or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale or purchase of stock of such corporations, or proposed corporations, and to fix commission and promotion fees allowed to be charged, and providing for service of proc-

ess, examination fees, and exempting certain corporations from the effect of this Act, providing penalties for the violation of the provisions of this Act, and declaring an emergency,' by adding thereto Section 4-a providing that the terms and provisions of this Act shall not apply to any public service corporation doing business under the laws of this state, whose rates or charges are fixed or regulated by law or by any governmental agency of this state."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BURKETT, Vice Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, January 22, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 144, A bill to be entitled "An Act amending Chapter 81, Page 153, Acts of the Thirty-third Legislature, Regular Session, in reference to exempting from taxation Young Men's Christian Association Buildings, Young Men's Hebrew Association Buildings and Young Women's Christian Association Buildings."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BURKETT, Vice Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 22, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: I, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 144, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

BOWERS.

Committee Room,
Austin, Texas, January 22, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 145, A bill to be entitled "An Act providing for the entering of interlocutory decrees in all divorce suits brought in this State; providing that final judgment of divorce may be entered after the expiration of six months from the entering of such interlocutory decree; providing that it shall be unlawful for either party to the divorce action to remarry pending the final judgment; affixing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 153, A bill to be entitled "An Act amending Title 58, Chapter 3, Article 3864, Revised Civil Statutes of Texas, 1911, relating to compensation allowed sheriffs on money collected on an execution or order of sale; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 163, A bill to be entitled "An Act making it unlawful for the Commissioners' Court of any County to issue warrants, or other certificates of indebtedness, in any form to be paid at some future date, and promising and pledging the Road and Bridge Fund of the County for the final payment and redemption of said warrants, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 169, A bill to be entitled "An Act permitting Building and Loan Associations organized under Chapter 33 of the First Called Session of the Thirty-third Legislature to use the word 'Savings' in their corporate names and advertising."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BURKETT, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 152, A bill to be entitled "An Act to create and establish a Court of Record in Bowie County, Texas, and known as the Texarkana Court At Law, and limit the jurisdiction and powers of said Court, and the territorial limits thereof; to conform the jurisdiction of the District and inferior Courts thereto; to provide for the appointment, election and qualification of a judge and a clerk of said Court, and fix their compensation and tenure of office, and define their duties and powers, and to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, January 19, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 62, A bill to be entitled "An Act amending Section 7 of Article 3 of the Revised Civil Statutes of Texas of 1911, as amended by Sections 3, 8 and 9 of the Acts of the Thirty-fifth Legislature, providing for the changing and fixing the time of holding the courts in the Seventh Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances, and jurors heretofore selected, etc., returnable to the terms of court, as they now exist, and continuing in session the District Court, which may now be in session, until its term expires by law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, January 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 5, A bill to be entitled "An Act to regulate district courts in judicial districts composed of more than one county and having terms of court fixed by law at four weeks each in counties in which there is a city of one hundred and thirty-five thousand population, or over, according to the last United States census, by providing for the extension of the terms thereof in such last described counties, and the conducting of such extended terms while a new term thereof is open, and by providing procedure in such courts in the issuance, service and return of citations by publication issued out of said courts, and for other purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 24, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Farr.	Woods.

Absent.

Lewis.

Absent—Excused.

Bailey.

Dudley.

Clark.

Murphy.

Prayer by Rev. B. B. Crimm, of Waxahachie, Texas.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

See Appendix for committee reports and petitions.

Excused.

Senator Bailey for yesterday and today on account of important business, on motion of Senator Holbrook.

Bills and Resolutions.

By Senator Bowers:

S. B. No. 185. A bill to be entitled "An Act, to amend Article 2783 of the Revised Statutes of Texas of 1911 and amendments thereto, which relates to prescribing studies for the public schools in this State, by providing that all public, private, and parochial schools in this State, shall be paid and are hereby required to have taught in them wholly in the English language, orthography, reading, penmanship, arithmetic, English, grammar, modern geography, physiology and hygiene, including the effects of alcoholic stimulants and narcotics on the human system, mental arithmetic, Texas history, United States history, civil government, including the Constitution of the United States and the Constitution of Texas, cotton grading and other branches as may be agreed upon by the trustees and directed by the State Superintendent of Public Instruction; provided further that suitable instruction shall be given in the primary grades once each week regarding kindness to animals of the brute creation and the protection of birds and their nests and eggs; provided, further, that suitable instruction shall be given in all the grades once each day on the rights, duties, ideals, traditions, history, and principles of the United States and Texas; provided further that in all the grades of said schools above men-